

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
THE BOARD OF PATENT APPEALS AND INTERFERENCES
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REPLY BRIEF

SEP - 8 2006

TC 1700

Appellant: Lev Korenevsky

Appeal #: 2006-0940

Application #: 10/037,548

September 1st, 2006

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SEP - 8 2006

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ARGUMENT

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Introduction

In the Supplemental Examiner's Answer mailed on August 11th 2006, I found a copy of the examiner's response to my appeal brief and comment's addressing the issues remanded to the examiner by the Board of Patent Appeals. While the examiner's new arguments regarding my appeal brief do not bring fresh considerations, they contain new mistakes. That is why I have to show what is wrong with the examiner's new comments while, when appropriate, briefly addressing other grounds of rejection.

A. Rejection under 35 U.S. C. 102(b), anticipated by Thackara.

Claims 1-3 and 6 were rejected under 35 U.S. C. 102(b) as being anticipated by Thackara (USPN 2766473). *In the examiner's comments regarding rejection of Claim 2, the examiner tries to prove that elements 17 and 26 correspond to the dictionary definition of washers.* This is completely wrong because 17 and 26 do not look like washers and cannot perform functions included in this definition (that is the most important thing).

As this is clearly stated by Thackara about objects of his invention, they are to provide "an inexpensive applicator ... of simple construction and which may be fabricated economically" and "which may be easily and quickly disassembled for cleaning and changing rollers" (col. 1, lines 15 – 30). This was achieved due to the end caps 16 and 25 that support opposite ends of a roller were designed as springs to releasably engage the roller sleeve due to a plurality of slots (col. 2, lines 15 – 18 and col. 2, lines 33 – 42) and prevent axial movement. This way of establishing firm but releasable engagement is often used in engineering and could be found in other roller frame designs (see, for example, USPN 5345648, Fig.2, that in many respects is close to the Thackara's one). Thackara does not include a single word about washers and leakage prevention neither in the description, nor in the claim (col. 4, lines 8 – 44).

Thackara does not teach that "the roller cage can be removed from the shaft for maintenance or replacement of parts" as is stated by the examiner on Page 4. He is

discussing easy and quick changing of rollers, that are used but do not belong to the roller frame. While my Claim 6 is about replacement of *worn* parts of the roller frame.

Also, my Claim 3 is describing another washer that would “prevent leaks inside the roller cage assembly along the shaft through said opening in the bearing portion”. It is needed to make the internal chamber of the roller cage completely leak-proof. This claim was mentioned by the examiner as rejected, however without any argument.

B. Rejection under 35 U.S. C. 102(b), anticipated by Newman.

Claims 1-4, 6 and 8 were rejected under 35 U.S. C. 102(b) as being anticipated by Newman (USPN 3745624). My Claim 8 is rejected based on Newman’s hook “located on the handle” as “it is clearly shown in figure 1”. *In the comments the examiner stated that “the appellant’s claim do not provide any structural limitations which would exclude Newman’s end of the handle portion from being a hook” (page 10).* This is absolutely wrong.

Newman’s handle demonstrates a typical location of hooks in all currently manufactured paint roller frames: together with the handle. However, this is completely different from what is proposed in my claim. In Claim 8 the hook is “located near the end of the shaft’s handle portion that is close to the paint roller sleeve”. This is location on the opposite end of the shaft’s handle portion, as far from the handle as possible. Such location of the hook is the essence of my Claim 8 that “allows the roller frame to be mounted higher on a grid (a paint rack) fastened in a paint bucket” and lets “more paint be pored in the paint bucket without the paint roller sleeve soaking the paint”. I would ask you to look at the drawings that show the hook location according to my claim.

I was also completely confused by the following examiner’s consideration: “Also Newman may not mention sealing or replacement of worn parts, however as described above, the washer (56) overlaps the roller and therefore a tight connection between the washers and roller will prevent leakage inside the roller cage”. First of all, Newman describes 56 as a lip. Secondly, there is no indication that Newman’s design intends or establishes tightness of connection. Than, even an extremely tight connection without a washer proposed in my Claim 2 (and absent in Newman’s claim) would not prevent leakage (just consider tightly closed but leaking facets with no or worn washes). And finally, how is this related to replacement of worn parts?

The examiner also rejects my Claim 4 that is functionally close to Newman’s Claim 1. However, my design is different and works better:

- It does not allow any sliding while it is still easy to use roller sleeves of different lengths
- It is much easier to put on and take off a roller sleeve, especially soaked with paint, since there are no spring rods involved (like 30 and 50 in Newman’s design).

Moreover, Newman relies on "the frictional contact" (col. 3, line 22) that cannot provide neither tight nor firm grip of the roller sleeve in the axial direction. At the same time, my design guarantees both firm and tight squeeze of a roller sleeve.

C. Rejection under 35 U.S. C. 102(b), anticipated by Dezen.

Claims 1-4 and 6 were rejected under 35 U.S. C. 102(b) as being anticipated by Dezen (USPN 4467509). *In the examiner's comments, the examiner tries to prove that annual faces of Dezen work as washers.* I insist that Dezen never named 46 and 48 "two resilient integral washers" as this is stated on Page 5 of the letter or told that they "act as washers". According to Dezen, they are "annual faces" (col. 3, line 6). They are not made of a resilient material and therefore cannot prevent leakage.

In my design there are similar annular faces (Fig. 3, 126 and 151) that tightly trap the roller sleeve, but this is not enough to eliminate leakage. That is why there are two resilient washers between faces 126, 151 and the roller sleeve core to really prevent leakage.

The examiner also misinterpreted the function of washers 62 and 74 in Dezen's design. It is absolutely clear that these washers were added to ensure smooth rotation (while circlips 60 and 72 are preventing axial movement). They belong to washers that "relieve friction" according to Merriam Webster's dictionary. They were not intended and are not capable to prevent leakage. And this is also wrong to assume that prevention of axial movement results in elimination of leakage.

Conclusion

I hope that the explanations above made it clear that my invention is absolutely original and is not anticipated by Thackara, Newman, or Dezen. Be sure that I will accept any substantiated decision, and I believe that the Board of Patent Appeals will execute objectivity and impartiality. Please call 847-809-8762 or 630-706-4553 to reach me with any questions you may have.

Sincerely,



Lev Korenevsky
09/01/2006

P.S. Patent applications cannot be prepared without technical terminology and they assume minimum technical background in the corresponding area for the readers. However, in some comments the examiner gave interpretations and explanations that contradict to the basics of engineering. It's just difficult to imagine that the examiner does not know the difference between the washers that relieve friction and those that prevent leakage, e.g. between washers 62, 74 in Dezen's design and washers described in my Claims 2 and 3. No comments...

In other cases the examiner was referring to particular columns and lines of claims, but reproduced wording of these claims with substituted or added words that would help to support rejection of my claims. Were these "approximate quotations" honest mistakes or deliberate manipulations to misrepresent the ideas of the inventors?